

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 05012**, requested by the abutting property owners, to vacate the east/west alley from North 33rd to North 34th Streets, between "O" and "P" Streets.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/18/06
Administrative Action: 01/18/06

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Carlson, Carroll, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'; Pearson absent).

FINDINGS OF FACT:

1. The purpose of this proposed alley vacation is to facilitate the planned redevelopment of commercial property along the south side of the alley. The alley separates commercial from residential zoning and the commercial zoning faces 33rd Street and "O" Street. The applicant, B&J Partnership, is intending to build a new strip center on this site with a drive-thru lane in the rear of the building along the alley. If the alley is vacated, then the drive-thru lane can meet the zoning requirement of being located outside the minimum side yard when adjacent to residential zoning.
2. The staff recommendation to find the proposed alley vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that the vacation of this right-of-way is consistent with the Comprehensive Plan, provided the necessary public easements for access and utilities are retained.
3. On January 18, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On January 18, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan.
5. After the Planning Commission hearing, Public Works indicated an interest in "trading" the alley right-of-way for right-of-way along "O" Street that could be used in the future as part of a widening project. The applicant agreed to revise their site plan to accommodate a future dedication of right-of-way, and has negotiated with Property Management and Public Works on a transaction which has the City paying cash and making future site access modifications when this right-of-way is needed. The City Council's approval of this vacation should be conditioned on the Mayor and applicant signing this agreement prior to transferring title to the alley right-of-way.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 10, 2006

REVIEWED BY: _____

DATE: April 10, 2006

REFERENCE NUMBER: FS\CC\2006\SAV.05012

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 18, 2006 PLANNING COMMISSION MEETING

PROJECT #: Street/Alley Vacation #05012

PROPOSAL: Vacate the east/west alley from North 33rd to North 34th Streets, between "O" and "P" Streets.

LOCATION: North 33rd and "O" Streets.

LAND AREA: 4,800 square feet, more or less.

CONCLUSION: The vacation of this right-of-way is consistent with the Comprehensive Plan, provided necessary public easements are retained.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The east/west alley in Block 17, Ridgeway Addition, bounded by 33rd, 34th, "P", and "O" Streets, located in the SE 1/4 of Section 19 T10N R7E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Single- and Two-family dwellings	R-4 Residential
South:	Commercial	B-1 Local Business

HISTORY:

May 2005 BZA #05009 denied a request to reduce the side yard setback from 10' to 0' on property along the south side of this alley.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies the property surrounding this right-of-way as Commercial and Urban Residential. (F 25)

ANALYSIS:

1. This is a request to vacate an alley in order to facilitate the planned redevelopment of commercial property along the south side of the alley. The alley separates commercial from residential zoning, and the commercial zoning faces 33rd Street and "O" Street.
2. The applicant is intending to build a new strip center on this site with a drive-thru lane in the rear of the building, along the alley. The zoning ordinance allows parking in side and rear yards adjacent to the residential zoning, but not the drive-thru lane. The applicant attempted to obtain a variance from this requirement, and did have neighborhood

support, but the Board of Zoning Appeals denied the request because they could not find that it qualified under their criteria. The vacation of this alley will place the proposed drive-thru lane outside of the setback area.

3. The City has received petitions from every abutting property owner, as is required. However, a few petitions were acknowledged improperly, and must be corrected prior to scheduling with the City Council.
4. The alley currently provides access to properties that abut it. A public access easement will be required so these properties may continue to use the access.
5. The vacation of this right-of-way will not create lots without frontage and access to a public street.
6. There are existing public utilities located within this right-of-way. Easements must be retained for these and future utility needs.
7. The petitioners have all agreed that the right-of-way, if vacated, will be purchased by one abutting property owner rather than split among all of them, and that access will be retained for abutting properties.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA
THE FOLLOWING MUST BE COMPLETED:**

1. The provisions of Chapter 14.20 of the Lincoln Municipal Code must be met.
2. Corrected petitions must be submitted to the satisfaction of the Law Department.

**PRIOR TO THE TRANSFER OF TITLE TO THIS PROPERTY THE FOLLOWING MUST BE
COMPLETED:**

3. A permanent utility and public access easement must be retained.

Prepared by:

Greg Czaplewski
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Planner

Date: January 10, 2006

Petitioners and Owners: Joseph and Shari Lecci, William Maudlin
1307 Beaver Lake Blvd.
Plattsmouth, NE 68048

B & J Partnership, Ltd
340 Victory Lane
Lincoln, NE 68528

Speidell Monuments, Inc.
3344 "O" Street
Lincoln, NE 68510

Betty Lee Speidell, and Betty Lee Speidell, personal representative of the Estate of
Max J. Speidell
3344 "O" Street
Lincoln, NE 68510

Victor Martinez
3305 "P" Street
Lincoln, NE 68510

Jeremy and Holly Lincoln
3335 "P" Street
Lincoln, NE 68510

Francisco and Linda Delgado
3325 "P" Street
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Todd Hollenbeck
3347 "P" Street
Lincoln, NE 68510

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STREET & ALLEY VACATION NO. 05012

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 18, 2006

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Strand, Sunderman and Taylor;
Pearson absent.

The Consent Agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 05086, STREET AND ALLEY VACATION NO. 05012; and STREET AND ALLEY VACATION NO. 05013.**

Ex Parte Communications: None.

Taylor moved to approve the Consent Agenda, seconded by Strand and carried 8-0: Carlson, Carroll, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'; Pearson absent.



Street & Alley Vacation #05012 N33rd to 34th St between O & P St

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 19 T10N R7E

